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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the U.S. Application of

Norio NAGATSUKA ET AL

Serial No. **09/701,254**

Filed: November 27, 2000

Art Unit: **3661**

Examiner: M. McDieunel

For: ROBOT DEVICE, CONTROL METHOD FOR ROBOT DEVICE, AND PROGRAM RECORDING MEDIUM

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner of Patents
Washington, DC 20231

Sir:

This is in response to the restriction requirement made in the Office Action mailed on August 26, 2002.

The Applicant, through its representatives and attorneys, hereby provisionally elects, with traverse, the invention of the **Group I** invention having claims **1-12, 65-71 and 84-86**.

The restriction requirement of August 26, 2002 asserts an existence of the following independent and distinct inventions:

Group I, having claims 1-12, 65-71 and 84-86, drawn to a robot device allegedly classified in class 700, subclass 247;

Group II, having claims 13-53, 45-54, 72-77 and 87-89, drawn to a control method for a robot device allegedly classified in class 700, subclass 245; and

Group III, having claims 23-32, 55-63, 78-83 and 90-92, drawn to a program recording medium allegedly classified in class 369, subclass 77.2.

For the reasons provided hereinbelow, the restriction requirement made within the Office Action mailed on August 26, 2002 is respectfully traversed.

The above-identified application is an application under 35 U.S.C. §371.

M.P.E.P. §1893.03(d), 8th Edition, August 2001, provides that the principles of unity of invention are used to determine the types of claimed subject matter and the combinations of claims to different categories of invention that are permitted to be included in a single international or national stage patent application. Unity of invention, not restriction practice, is applicable in international applications and in national stage (filed under 35 U.S.C. §371) applications.

When making a lack of unity of invention requirement, the

examiner must (1) list the different groups of claims *and* (2) explain why each group lacks unity with each other group (i.e., why there is no single general inventive concept) specifically describing the unique special technical feature in each group. M.P.E.P. §1893.03(d).

(1) List the different groups of claims:

The restriction requirement of August 26, 2002 lists Group I drawn to a robot device, having claims 1-12, 65-71 and 84-86, lists Group II drawn to a control method for a robot device, having claims 13-53, 45-54, 72-77 and 87-89, and lists Group III drawn to a program recording medium, having claims 23-32, 55-63, 78-83 and 90-92.

The restriction requirement of August 26, 2002 identifies claims 23-32 as being both within Group II and Group III. The restriction requirement identifies claims 23-32 as Group II method claims, but claims 23-32 are drawn to a program recording medium. The restriction requirement identifies claims 33-44 as Group II method claims, but claims 33-44 are drawn to a robot device. In addition, there is no Group within the restriction requirement that is identified with claim 64.

Thus, the restriction requirement is improper at least for these reasons.

(2) Explain why each group lacks unity with each other group:

The restriction requirement of August 26, 2002 contends that the inventions of Groups I-III do not relate to a single inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding technical features for the following reasons: "as described above 'a robot device', 'a control method for a robot device' and 'a program recording medium having recorded therein a program for carrying out' lack the same technical features."

In response, M.P.E.P. §1893.03(d), 8th Edition, August 2001, further explains that a group of inventions is considered linked to form a *single general inventive concept* where there is a *technical relationship* among the inventions that involves at least one ***common or corresponding special technical feature***. The expression "special technical feature" is defined as meaning those technical features that define the contribution which each claimed invention, considered as a whole, makes over the prior art.

The Group I invention is drawn to a *robot device*, the Group II invention is drawn to a *control method for a robot device*, while the Group III invention is drawn to a *programming recording*

medium. Evidence of least one common or corresponding special technical feature is provided hereinbelow.

The ***robot device*** of claim 1 includes an emotion module in which a plurality of emotion units representing various emotions affect one another to output an emotion; and action means for acting on the basis of the emotion outputted by the emotion module. Claims 2-12 are dependent upon claim 1.

The ***control method for a robot device*** of claim 13 includes an emotion output step of outputting an emotion as a plurality of emotion units representing various emotions affect one another; and an action control step of controlling the action of the robot device on the basis of the emotion outputted at the emotion output step. Claims 14-22 are dependent upon claim 13.

The ***program recording medium*** of claim 23 has recorded therein a program for carrying out an emotion output step of outputting an emotion as a plurality of emotion units representing various emotions affect one another; and an action control step of controlling the action of the robot device on the basis of the emotion outputted at the emotion output step. Claims 24-32 are dependent upon claim 23.

The ***robot device*** of claim 33 includes an instinct module in

which a plurality of instinct units representing various instincts output individual instincts; and action means for acting on the basis of the instinct outputted by the instinct module. Claims 34-44 are dependent upon claim 33.

The ***control method for a robot device*** of claim 45 includes an instinct output step of outputting an instinct as a plurality of instinct units representing various instincts affect one another; and an action control step of controlling the action of the robot device on the basis of the instinct outputted at the instinct output step. Claims 46-54 are dependent upon claim 45.

The ***program recording medium*** of claim 55 has recorded therein a program for carrying out an instinct output step of outputting an instinct as a plurality of instinct units representing various instincts affect one another; and an action control step of controlling the action of the robot device on the basis of the instinct outputted at the instinct output step. Claims 56-64 are dependent upon claim 55.

The ***robot device*** of claim 65 includes an emotion module in which a plurality of emotion units representing emotions output individual emotions; an instinct module in which a plurality of instinct units representing instincts output individual instincts; and action means for acting on the basis of the

emotion outputted by the emotion module and the instinct outputted by the instinct module. Claims 66-71 are dependent upon claim 65.

The ***control method for a robot device*** of claim 72 includes an emotion output step of outputting individual emotions by a plurality of emotion units representing emotions; an instinct output step of outputting individual instincts by a plurality of instinct units representing instincts; and an action control step of controlling the action of the robot device on the basis of the emotion outputted at the emotion output step and the instinct outputted at the instinct output step. Claims 73-77 are dependent upon claim 72.

The ***program recording medium*** of claim 78 has recorded therein a program for carrying out an emotion output step of outputting individual emotions by a plurality of emotion units representing emotions; an instinct output step of outputting individual instincts by a plurality of instinct units representing instincts; and an action control step of controlling the action of the robot device on the basis of the emotion outputted at the emotion output step and the instinct outputted at the instinct output step. Claims 79-83 are dependent upon claim 78.

The ***robot device*** of claim 84 includes detection means for detecting a stimulus applied from outside; storage means for storing the record of information related to the stimulus; response processing decision means for deciding response processing on the basis of the stimulus detected by the detection means; and response execution means for executing the response processing decided by the response processing decision means; the response processing decision means deciding the response processing on the basis of the record information stored in the storage means. Claims 85-85 are dependent upon claim 84.

The ***control method for robot device*** of claim 87 includes a detection step of detecting a stimulus applied to the robot device from outside; a response processing decision step of deciding response processing of the robot device on the basis of the stimulus detected at the detection step; and a response execution step of causing the robot device to execute the response processing decided at the response processing decision step; wherein at the response processing decision step, the response processing is decided on the basis of the record information stored in storage means. Claims 88-89 are dependent upon claim 87.

The ***program recording medium*** of claim 90 has recorded therein a program for carrying out a detection step of detecting

a stimulus applied to a robot device from outside; a response processing decision step of deciding response processing of the robot device on the basis of the stimulus detected at the detection step; and a response execution step of causing the robot device to execute the response processing decided at the response processing decision step; wherein at the response processing decision step, the response processing is decided on the basis of the record information stored in storage means. Claims 91-92 are dependent upon claim 90.

As shown hereinabove, at least one common or corresponding special technical feature exists between the Group I robot device, the Group II control method, and the Group III program recording medium. Thus, a unity of invention exists and restriction is improper. Withdrawal of the restriction requirement is respectfully requested.

Respectfully submitted,

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